

Appl. No. : 10/506,398
Filed : May 11, 2005

REMARKS

In response to the Office Action mailed September 30, 2005, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Discussion of Claim Amendments

Claims 1, 2, 4 and 5 have been amended. Claim 6 has been added. Upon the entry of the amendments, Claims 1-6 are pending in this application. The amendments to Claims 1, 4 and 5 are supported, for example, by the specification at page 8, lines 10-24. The amendments to Claim 2 are merely for clarification. New Claim 6 is supported, for example, by the specification at page 15, line 22 through page 16, line 3. Thus, the amendments to the claims do not introduce any new matter. Entry of the amendments is respectfully requested.

Discussion of Rejection of Claims under 35 U.S.C. § 102(b)

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 8-34455 to Yukio (hereinafter "Yukio"). Applicant respectfully submits that pending Claims 1, 2, 4 and 5 are allowable over Yukio as discussed below.

Rationale of 35 U.S.C. § 102

"For a prior art reference to anticipate a claim under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 850 F.ed 675, 677, 7 USPQ 2d 1315, 1317 (Fed. Cir. 1988).

Discussion of Patentability of Pending Claims

Each of independent Claims 1, 4 and 5, as amended, recites, among other things, that the dividing sections are provided at substantially equal intervals *selected from 45 ° to 90 °* in the circumferential direction. Applicant respectfully submits that Yukio does not disclose the above-indicated feature of the claimed invention. Particularly, the specific intervals, between the dividing sections, selected from 45 ° to 90 ° in the circumferential direction are not disclosed by

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the Yukio reference. One embodiment of the claimed invention has the following advantages. When the circumferential direction interval is less than the above range (45°), the strength of the divided threaded sections (15) decreases, and, at the time of molding, and particularly at the time of peeling away the mold for inner surface from the cap (1), the mold may deform the divided threaded sections (15). Furthermore, when the circumferential direction interval exceeds this (90°), at the time of molding, and particularly at the time of peeling away the mold for inner surface from the cap (1), the mold applies an excessive force to the threaded section (10) making it likely to deform. *See the specification at page 8, line 21 through page 9, line 10.*

In view of the above, Yukio does not disclose "the dividing sections are provided at substantially equal intervals selected from 45 ° to 90 ° in the circumferential direction" recited in amended Claims 1, 4 and 5. Therefore, Yukio does not anticipate independent Claims 1, 4 and 5, and thus the independent claims are allowable over the Yukio reference. Claim 2 depends from base Claim 1, and further defines additional technical features of the present invention. In view of the patentability of its base claim, and in further view of the additional technical features, Applicant respectfully submits that the dependent claim is patentable over the cited prior art.

Discussion of Claim Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Yukio in view of U.S. Patent No. 6,303,956 issued to Thompson (hereinafter "Thompson"). Claim 3 depends from base Claim 1, and further defines additional technical features of the present invention. As discussed above, Yukio does not teach "the dividing sections are provided at substantially equal intervals selected from 45 ° to 90 ° in the circumferential direction" recited in Claim 1. Furthermore, Applicant respectfully submits that Thompson does not teach or suggest the above-recited feature of independent Claim 1. In the Office Action, the Examiner relied on Thompson as teaching "a cap having a seal projection (19) being able to bend and be deformed until it contacts the cap body," which is a part of the limitations of Claim 3. *See the Office Action at page 2.* In view of the patentability of its base claim, and in further view of the additional technical features, Applicant respectfully submits that the dependent claim is patentable over the cited prior art references.

Appl. No. : 10/506,398
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Discussion of Patentability of New Claim

New Claim 6 includes all of the limitations of Claims 1 and 3, and further includes "a positioning protrusion protruded from the top plate on the outer surface side of the inner seal projection, and wherein the positioning protrusion contacts an opening edge of the container opening at the bottom face thereof." According to one embodiment of the claimed invention, the positioning protrusion may keep both the distance between the top plate and the opening edge constant, and the wind tightening angle constant when attaching the cap constant. Therefore, the deformation amount of the opening edge seal projection reaches a predetermined value, and so does the pressing force of the opening edge seal projection against the opening edge. *See the specification at page 15, line 22 through page 16, line 2, and page 17, lines 21-23.* Applicant respectfully submits that neither Yukio nor Thompson teaches or suggest the above features of the new claim. Since at least Claims 1 and 3 are allowable, new Claim 6 is patentable over the cited references for at least the same reasons and for its additional features.

Appl. No. : 10/506,398
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CONCLUSION

In view of Applicant's foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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